

RUMSON PLANNING BOARD  
January 10, 2022  
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by roll call: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Dr. Lospinuso  
Absent: None

Also present, Michael B. Steib, Esq., Fred Andre', David Marks, Borough Engineer, Robert Keady representing T&M Associates, Kendra Lelie, planning consultant and Eric Paone Hurd, Moderator.

The notice requirements of the Open Public Meetings Act were stated as being met.

Mr. Steib administered the oath to the following reappointed Board Members: Dr. Lospinuso, Councilman Kingsbery, Councilman Casazza, Mr. Ciambrone, Mrs. Condon

Mr. Steib asked for any nominations for the 2022 Chairman of the Planning Board position. Mr. Clark nominated Dr. Lospinuso for the 2022 Chairman position; Seconded by Councilman Kingsbery.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon

Nays: None

Abstain: Dr. Lospinuso

Mr. Steib asked for any nominations for the 2022 Vice Chairman position. Councilman Casazza nominated Mr. Clark for the 2022 Vice Chairman position; Seconded by Councilman Kingsbery.

Roll call vote:

Ayes: Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman Lospinuso

Nays: None

Abstain: Mr. Clark

Councilman Casazza made a Motion to appoint Michael B. Steib, Esquire as the 2022 Planning Board Attorney; Seconded by Mrs. Condon.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman Lospinuso

Nays: None

Mr. Clark made a Motion to appoint T&M Associates as the 2022 Planning Board Engineer; Seconded by Mrs. Ford

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret,

Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman  
Lospinuso  
Nays: None

Mr. Clark made a Motion to appoint State Shorthand Reporting Services, Inc. as the 2022 Planning Board reporting service; Seconded by Mr. Barham.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman  
Lospinuso

Nays: None

Councilman Kingsbery made a Motion to appoint Frederick J. Andre' for the 2022 Planning Board Secretary; Seconded by Councilman Casazza.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman  
Lospinuso

Nays: None

Mr. Barham made a Motion to appoint The Asbury Park Press and The Two River Times as the 2022 Planning Board official newspapers; Seconded by Mrs. Condon.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman  
Lospinuso

Nays: None

Councilman Casazza made a Motion to approve 2022 Planning Board Meeting Schedule; Seconded by Councilman Kingsbery.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon, Chairman  
Lospinuso

Nays: None

Chairman Lospinuso asked for any comments on the December 20, 2021 Special Meeting Minutes. Mr. Clark made a Motion to approve the Minutes as submitted; Seconded by Mr. Ciambrone.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Councilman Kingsbery, Mr. Barham, Mr. Ciambrone, Chairman Lospinuso

Nays: None

Abstain: Mrs. Baret, Mrs. Ford, Mrs. Condon

Mr. Steib announced that the application of Rumson Country Club for property located at 163 Rumson Road be presented for the Board's consideration.

Chairman Lospinuso recused himself from hearing the application. Mr. Clark steps in as Chairman for the application.

Councilman Kingsbery, Mrs. Baret recuse themselves from hearing the application.

John Anderson, Esquire representing the applicant placed his appearance on the record.

Mr. Keady reviewed the T&M Associates Completeness Review revised through October 1, 2021 for the Board and recommended that the application be deemed complete in accordance with the waivers and condition noted in the report. Councilman Casazza made a motion to deem the application complete and grant the waivers requested; Seconded by Mr. Barham.

Roll call vote:

Ayes: Mr. Clark, Councilman Casazza, Mr. Barham, Mr. Ciambrone, Mrs. Ford, Mrs. Condon

Nays: None

Chairman Clark announced that the application will be carried to the February 7, 2022 regularly scheduled virtual meeting of the Planning Board at 7:30 pm without further notice being required.

Dr. Lospinuso resumes his place as Chairman.

Councilman Kingsbery and Mrs. Baret resume their seats on the dais.

Mr. Steib announced that the continued application of Yellow Brook Property Co. for property located at 91 Rumson Road be presented for the Board's consideration.

Mr. Steib advised that Mrs. Baret and Mrs. Ford have signed certifications that they have reviewed the December 20, 2021 Special Meeting and are eligible to vote on the application.

Mrs. Condon recused herself from hearing the application.

Craig Gianetti, Esquire representing the applicant addressed the Board. Mr. Gianetti gave a brief synopsis of the previous meetings and stated that the applicant has concluded presenting their proposal and the witnesses are still available for questions.

Ronald S. Gasiorowski, Esquire representing Jon Blatt placed his appearance on the record. Mr. Gasiorowski introduced Alexander Litwornia, a New Jersey licensed engineer and planner. Mr. Litwornia was sworn and the Board accepted his credentials.

Mr. Litwornia testified that he reviewed all the plans that were submitted, Rumson's zoning ordinances and requirements. The architectural plans reflect that the height of the structures is 35 feet, which is the maximum permitted height for the zone. In Mr. Litwornia's opinion a variance might be required for the height of the proposed structures due to regrading. The interior roadway width and design is inadequate for school buses, delivery and emergency vehicles. The number of units could be reduced for a safer project.

Mr. Gianetti asked for clarification of Mr. Litwornia's testimony and documentation he reviewed.

Mr. Steib advised that the issue of building height is a jurisdictional issue. Mr. Litwornia has indicated that the various as he calculates it is greater than 10 percent, which would require a D variance which is only within the jurisdiction of the Zoning Board and testimony needs to be provided regarding that issue.

Mr. Gianetti recalled Brian DeCina concerning the definition of building height and grading. Mr. DeCina was previously sworn and remains under Oath. Mr. DeCina testified that building height is measured from original lot grade or any revised lot grade shown on a site plan, subdivision or plot plan that is approved by the Planning or Zoning Board. Such revised lot grade should not include mounding, terracing or other devices designed to allow to increase building height. Mr. DeCina compared the original topographical survey of the subject property and in order to satisfy the stormwater management requirements per the state and the Borough regulations the applicant needs to be one foot above the seasonal highwater table and that is what is being proposed. The proposed grading that is illustrated on the site plan does not exceed Elevation 18 anywhere throughout the site. What is proposed is site grading to accommodate the site features to make the stormwater management, sanitary sewer and grading work.

Mr. Gasiorowski questioned Mr. DeCina's testimony regarding the grading and building height calculations being proposed.

Mr. Steib placed Kendra Lelie under oath. Ms. Lelie clarified the building height to be measured from a proposed site grade as part of a site plan and the ultimate grades of the site are in relationship to overall site design including grading and site layout and agreed with Mr. DeCina's assessment. The building heights proposed meet the ordinance and the settlement agreement. There is no question as to the jurisdiction of the application.

Board Members asked questions regarding the grading, homeownership and homeowners association properties and responsibilities, compliance with Borough Engineer's requirements and recommendations, further clarification of building height requirements.

A brief recess is taken.

Chairman Lospinuso opened the testimony for public questions and/or comments.

The following letters were submitted by the public:

Jeffrey and Staphanie Cady residing at 4 Tuxedo Road; Henry and Jan Shaheen residing at 6 Tuxedo Road; Michael Sheehan residing at 18 Tuxedo Road all submitted duplicate letter that were submitted by Andrew and Alyssa Scheffer residing at 8 Tuxedo Road, which was previously read into the record on 12/20/21.

Deborah Dutcher and Donovan Mannato residing at 13 Tuxedo Road submitted a letter with attachments expressing their concern with runoff impacting their property.

Robert Bovo residing at 3 & 11 Osprey Lane submitted a letter with an attachment that was sent to Monmouth County Division of Planning Board to the attention of Victor Furmanec dated 6/23/2021, regarding their concerns with the redevelopment of the subject property and was signed by the following residents: Robert Bovo, 11 & 13 Osprey Lane; Kara Short, 59 Shrewsbury Drive; David Cosgrove, 12 Osprey Lane; David Goldsmith, 10 Avenue of Two Rivers South; Kristy and Doug Finnegan, 53 Shrewsbury Drive; Erin and Alan Burman, 4 Osprey Lane; Nancy Mahedy, 8 Avenue of Two Rivers South; Russell Herman, 17 Avenue of Two Rivers South; Fotini Levy, 2 Avenue of Two Rivers South; Eugene Harcsar, 10 Osprey Lane; Ryan Scobal, 54 Shrewsbury Drive; Caroline Cashion, 2 Oyster Bay Drive; Michael and Dorothy Gay, 7 Osprey Lane; Andrew and Alyssa Scheffer, 8 Tuxedo Road.

Mr. Gasiorowski asked for clarification of Ms. Lelie's testimony.

Andrew Scheffer residing at 8 Tuxedo Road was sworn in. Mr. Scheffer expressed concerns with the elevation of the driveway causing headlight glare onto neighboring properties, building heights, stormwater management plan and intensity of the project.

Matthew Scobal residing at 5 Osprey Lane was sworn in. Mr. Scobal expressed concerns with the adequacy of the ingress/egress, traffic volumes and safety and the accuracy of the traffic study.

Alan Burman residing at 4 Osprey Lane was sworn in. Mr. Burman expressed concerns with the headlight glare, heights of buffering and noise eliminating from the generators.

Erin Burman residing at 4 Osprey Lane was sworn in. Mrs. Burman inquired about 1973 Deed, adequacy of the internal roadway, building heights, grading and landscape buffer.

David Cosgrove residing at 12 Osprey Lane was sworn in. Mr. Cosgrove inquired about the Environmental Impact Statement, building heights and stormwater management system.

David Marks, the Borough Engineer was sworn in. Mr. Marks addressed Mr. Cosgrove's questions regarding the Environmental Impact Statement and the stormwater management system.

There being no further public questions and/or comments, the public portion was closed.

Chairman Lospinuso inquired whether the Board Members wished to continue with counsels' summations and move to a vote on the application this evening.

Roll call vote:

Ayes: Mr. Clark, Mr. Barham

Nays: Councilman Cassazza, Councilman Kingsbury, Mrs. Baret,

Mr. Ciambrone, Mrs. Ford  
Abstain: Chairman Lospinuso

Mr. Steib announced that the application will be carried to the February 7, 2022 Planning Board Meeting at 7:30 pm without further notice being required.

There being no further business before the Board, the meeting was adjourned at approximately 10:45 pm.

The next schedule meeting will be held virtually on February 7, 2022 at 7:30 pm.

Respectfully submitted,

Michele A. MacPherson